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Official Public Records

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CITY SECRETARY
CONTRACT NO. _____

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**SECOND AMENDED DESCRIPTION OF
OIL AND GAS LEASE
AND MEMORANDUM OF OIL AND GAS LEASE**

STATE OF TEXAS }

COUNTY OF TARRANT }

WHEREAS, CITY OF FORT WORTH, a home rule municipal corporation of the State of Texas ("Lessor") executed an Oil and Gas Lease dated September 17, 2009 in favor of **XTO ENERGY INC.**, Lessee, recorded as Memorandum of Oil and Gas Lease at instrument number D209280980 in the Official Public Records of Tarrant County, Texas, as amended by Amended Description of Oil and Gas Lease and Memorandum of Oil and Gas Lease, recorded as instrument number D209315785 in the Official Public Records of Tarrant County, Texas (collectively referred to herein as the "Lease");

WHEREAS, the description of the Lease was incomplete and in error;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee do hereby amend the Lease in respect to the description of the lands included therein, and ratify and adopt the same as so amended. The amended description shall now read as follows:

3.033 acres of land, more or less, of a called 2.445 acres, situated in the Lydia J. Warwick Survey, A-1663, Tarrant County, Texas, and consisting of the following five (5) tracts:

TRACT 1: 1.192 acres of land, more or less, of a called 0.688 of an acre, being Lots 10, 12, 13, and 14, Block 33, South Hemphill Heights Addition, according to the Plat recorded in Volume 106, Page 132, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Condemnation Proceedings Agreed Judgment dated December 3, 1980, as recorded in Volume 7091, Page 2093, Official Public Records, Tarrant County, Texas.

TRACT 2: 0.229 of an acre, more or less, of a called 0.172 of an acre being Lot 11, Block 33, South Hemphill Heights Addition, according to the Plat recorded in Volume 106, Page 132, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Warranty Deed dated July 28, 1980, from Earl S. Carden and wife, Juanita H. Carden, to City of Fort Worth, Texas, as recorded in Volume 6983, page 691, Official Public Records, Tarrant County, Texas.

TRACT 3: 0.229 of an acre, more or less, of a called 0.172 of an acre being Lot 15, Block 33, South Hemphill Heights Addition, according to the Plat recorded in Volume 106, Page 132, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Deed executed August 18, 1980 from Earl S. Carden and wife, Juanita H. Carden, to City of Fort Worth, a municipal corporation, as recorded in Volume 7006, Page 2041, Official Public Records, Tarrant County, Texas.

TRACT 4: 0.122 of an acre, more or less, of a called 0.047 of an acre, being Lots 10 and 11, Block 34, South Hemphill Heights Addition, according to the Plat recorded in Volume 106, Page 132, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Warranty Deed dated January 14, 1999, from Maurine Bivins to City of Fort Worth, as recorded in Document No. D199020782, Official Public Records, Tarrant County, Texas.


TRACT 5: 1.261 acres of land, ore or less, of a called 0.849 of an acre, situated in the Lydia J. Warwick Survey, A-1663, Tarrant County, Texas, being more particularly described by metes and bounds in that certain Dedication Quitclaim Deed dated March 15, 1999, from The Jennings-May-St. Louis Neighborhood Development Corporation to the City of Fort Worth, as recorded in Volume 13813, Page 306, Official Public Records, Tarrant County, Texas.

Lessor hereby ratifies and confirms said Lease and agrees and declares that said Lease, and all of its terms and provisions, as amended hereby, is binding on them, their successors and assigns, and is a valid and subsisting oil and gas lease; and Lessor does hereby lease, demise and let the lands described hereinabove, to Lessee, its successors and assigns, in accordance with all of the terms of said Lease, as amended hereby, and ratify and adopt the same as so amended. Except as otherwise amended the Lease is and shall remain in full force and effect as written in accordance with its terms and conditions.

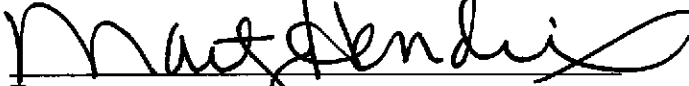
IN WITNESS WHEREOF, this instrument is executed on this the respective date of the acknowledgment below but shall be effective, however, as of September 17, 2009, date of The Lease.

LESSOR:

CITY OF FORT WORTH


By ASSISTANT CITY MANAGER

Attest:


By



APPROVED AS TO FORM AND LEGALITY:


By



NO M&C REQUIRED

Date: 1-19-10

LESSEE:

XTO ENERGY INC.

a Delaware corporation

 
By: Edwin S. Ryan, Jr.
Senior Vice President-Land Administration

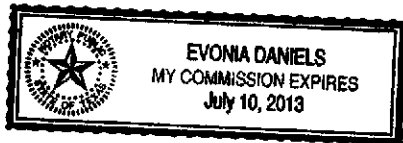
ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned, a Notary Public, on this day appeared Fernando Costa as Assistant City Manager of the CITY OF FORT WORTH, a home rule municipal corporation of the State of Texas located within Tarrant, Denton, and Wise Counties, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that (s)he has executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18th day of JANUARY, 2010.

(Seal)

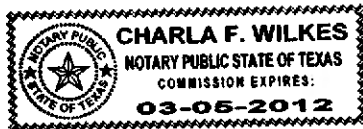


Evonia Daniels
Notary Public, State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS }
COUNTY OF TARRANT }

This instrument was acknowledged before me on the 5th day of February, 2010, by Edwin S. Ryan, Jr., Senior Vice President-Land Administration of XTO Energy Inc., a Delaware corporation, on behalf of said corporation.



Charla F. Wilkes
Notary Public, State of Texas

Return to: Bryson G. Kuba
6127 Green Jacket Dr.
Apt. # 1136
Fort Worth, TX 76137